

REMARKS

Claims 1-21 are in the application.

Claims 1, 2, 9, and 16 have been amended to specify that each of the compositions in the kit is provided in a separate container, based on the disclosure at, e.g., page 20, Example 1.

Claims 1, 9, and 16 have also been amended to specify that at least one of the compositions in the kit is a liquid composition and that at least one of the containers contains multiple doses of the respective composition. These amendments are based, e.g., on the disclosure at page 20, Example 1.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

Rejections under 35 U.S.C. § 112

Claims 1-21 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to distinctly claim the invention. Applicants respectfully traverse these rejections.

Claims 1, 9, and 16 are alleged to be indefinite in the recital of "a characteristic ingredient" and "a set of usage instructions" because it is not clear what these phrases encompass. Furthermore, it is alleged the phrase "a characteristic ingredient" reads upon other members of the Markush group, i.e. a dye and a perfume.

Claims 5, 6, 8, 12, 13, 15, 18, 19, and 21 are alleged to be indefinite in the recital of "a set of usage instructions" or "a set of personalized instructions" because it is not clear what these instructions encompass.

With respect to the rejection based on the phrase "a characteristic ingredient", Applicants have amended Claims 1, 9, and 16 to remove this phrase, thereby rendering the rejection regarding this phrase moot.

With respect to the rejections based on the phrase "a set of usage instructions" and "a set of personalized instructions", Applicants respectfully traverse these rejections. The phrase "a set of usage instructions" is described in the specification at page 17, line 17 to page 19, line 17. The phrase "a set of personalized instructions" is described in the specification at page 19, lines 20-34. Applicants submit that one of ordinary skill in the art would clearly understand what the phrases "a set of usage instructions" and "a set of personalized instructions" encompass based on the description in the specification.

Rejections under 35 U.S.C. § 102

Claims 1-21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ehrlich, U.S. Patent No. 4,099,912. Applicants respectfully traverse this rejection. Ehrlich teaches a method of washing laundry comprising a plurality of separate units of different detergent composition components, the units being of tablet, envelope, packet, capsule or other container form. Ehrlich teaches that the unit doses of his invention are preferably powder tablets. Ehrlich further teaches that “[w]hen instead of tablets, other containers, such as envelopes, packets or capsules of powders or liquids are employed, the weights and sizes thereof will preferably be such as to approximate those of the tablets.” See col. 9, lines 57-60.

Claims 1, 9, and 16 have now been amended to specify that at least one of the compositions in the presently claimed kit is a liquid composition. Furthermore, Claims 1, 9, and 16 have been amended to specify that at least one of the containers in the presently claimed kit contains multiple doses of the respective composition. In contrast, Ehrlich teaches unit dose tablets of detergent components. Ehrlich does not teach a kit comprising a container containing multiple doses of composition or a container containing a liquid composition. Ehrlich thus does not disclose each and every element of the invention as presently claimed. Applicants thus submit that Claims 1-21 are not anticipated by, and are patentable over, Ehrlich under 35 U.S.C. § 102(b).

Claims 1, 9 and 16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Flynn et al., U.S. Patent No. 4,563,186. Applicants respectfully traverse this rejection. Flynn et al. teach a product incorporating a pre-spotter with a detergent and having one or more of the following separate functions: detergency, fabric softening, stain removal, bleaching, and bluing; wherein the detergent and pre-spotter are uniquely packaged together as one product. In contrast, the kits as presently claimed require compositions packaged in separate containers. Flynn et al. do not teach or suggest a kit that comprises compositions packaged in separate containers. Rather, Flynn et al. teach that its pre-spotter and detergent compositions are packaged in the same container. Furthermore, Flynn et al. do not disclose a coordinated element as presently claimed. Flynn et al. thus do not disclose each and every element of the invention as presently claimed. Applicants thus submit that Claims 1, 9, and 16 are not anticipated by, and are patentable over, Flynn et al. under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103

Claims 4, 5, 7, 11-15, 17-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flynn et al. Applicants respectfully traverse this rejection. As discussed

hereinbefore, Flynn et al. do not teach or suggest a kit that comprises compositions packaged in separate containers and do not teach or suggest a coordinated element as presently claimed. Applicants thus submit that Claims 4, 5, 7, 11-15, and 17-21 are unobvious and patentable over Flynn et al. under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,

J. G. SCHROEDER ET AL.

By   
Jason J. Camp  
Attorney for Applicant(s)  
Registration No. 44,582  
(513) 627-8150

February 21, 2003

AA471am.doc

**Customer Number: 27752**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE****IN THE CLAIMS**

Claims 1, 2, 9, and 16 have been amended as follows:

1. (Amended) A kit for caring for a fabric article comprising:

a laundry detergent composition provided in a separate laundry detergent composition container; and

a fabric treatment composition provided in a separate fabric treatment composition container, the fabric treatment composition being selected from the group consisting of a bleaching composition, a color fixative composition, a dryer sheet composition, a finishing composition, a pre-treating composition, and a combination thereof,

wherein the laundry detergent composition and the fabric treatment composition comprise a coordinated element selected from the group consisting of a brand name, [a characteristic ingredient,] container graphics, containers, dosages per container, a dye, a perfume, a trade dress, a set of usage instructions, and a combination thereof, wherein the laundry detergent composition and/or the fabric treatment composition is a liquid composition; and wherein the laundry detergent composition container contains multiple doses of the laundry detergent composition and/or the fabric treatment composition container contains multiple doses of the fabric treatment composition.

2. (Amended) The kit of Claim 1, further comprising a fabric conditioning composition provided in a separate fabric conditioning composition container.

9. (Amended) A kit for caring for a fabric article comprising:

(A)[.] a fabric conditioning composition provided in a separate fabric conditioning composition container; and

(B)[.] a fabric treatment composition provided in a separate fabric treatment composition container, the fabric treatment composition being selected from the group consisting of a bleaching composition, a color fixative composition, a dryer sheet composition, a finishing composition, a pre-treating composition, and a combination thereof,

wherein the fabric conditioning composition and the fabric treatment composition comprise a coordinated element selected from the group consisting of a brand name, [a characteristic ingredient,] container graphics, containers, the dosages per container, a dye, a perfume, a trade dress, a set of usage instructions, and a combination thereof; wherein the fabric conditioning composition and/or the fabric treatment composition is a liquid composition; and wherein the fabric conditioning composition container contains multiple doses of the fabric conditioning composition and/or the fabric treatment composition container contains multiple doses of the fabric treatment composition.

16. (Amended) A kit for caring for a fabric article comprising:

- (A)[.] a first fabric treatment composition provided in a first separate fabric treatment composition container, the first fabric treatment composition being selected from the group consisting of a bleaching composition, a color fixative composition, a dryer sheet composition, a finishing composition, a pre-treating composition, and a combination thereof; and
- (B)[.] a second fabric treatment composition provided in a second separate fabric treatment composition container, the second fabric treatment composition being selected from the group consisting of a bleaching composition, a color fixative composition, a dryer sheet composition, a finishing composition, a pre-treating composition, and a combination thereof,  
wherein the first fabric treatment composition is different from the second fabric treatment composition, and wherein the first fabric treatment composition and the second fabric treatment composition comprise a coordinated element selected from the group consisting of a brand name, [a characteristic ingredient,] container graphics, containers, the dosages per container, a dye, a perfume, a trade dress, a set of usage instructions, and a combination thereof; wherein the first fabric treatment composition and/or the second fabric treatment composition is a liquid composition; and wherein the first fabric treatment composition container contains multiple doses of the first fabric treatment composition and/or the second fabric treatment composition container contains multiple doses of the second fabric treatment composition.